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10 Attorneys for Defendants
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

20 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are
21 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants
22 had an extension of time up to and including January 28, 2008 to answer or otherwise respond to
23 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15
24 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law
25 Unfair Competition.

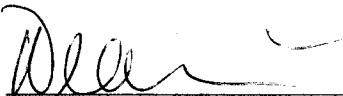
26 The parties have now reached an agreement in principle and hope to be able to finalize
27 their settlement shortly. Thus, the parties, by and through their undersigned attorneys, hereby
28 stipulate and agree that Defendant shall have an additional extension of thirty days (30) days to
answer or otherwise respond to Plaintiff's Complaint, up to and including February 27, 2008.

This will be the sixth extension of time entered in this case. This stipulation is not entered

1 into for any purposes of delay. Rather, the parties have a good faith belief that they will shortly
2 settle this matter and, under such circumstances, do not wish to unnecessarily expend either the
3 Court's or their time and resources on further litigation.

4 Dated: January 28, 2008

MORGAN, LEWIS & BOCKIUS LLP

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6 By 
Diane J. Mason

7
8 Attorneys for Defendant DEPUY, INC. and
DEPUY SPINE, INC.

9
10 Dated: January 28, 2008

HELLER EHRMAN LLP

11
12 By 
Harold J. Milstein

13 Attorneys For Plaintiff SPOTLIGHT
14 SURGICAL, INC.

15
16 PURSUANT TO STIPULATION, IT IS SO ORDERED

17
18 Dated: _____

19 _____
The Honorable Jeremy Fogel
United States District Judge